

## **REMARKS**

This amendment responds to the non-final Office Action mailed March 20, 2008. Claims 1, 12, 13, 18-21, 23-29, 31 and 36-42 were pending. In the instant amendment, Claims 1 and 12 have been amended. Claims 19, 20, 23, 26-28, and 36-38 have been canceled. After entry of the instant amendment, Claims 1, 12, 13, 18, 21, 24, 25, 29, 31, and 39-42 will be pending and under consideration in the instant application.

### **I. AMENDMENTS TO THE CLAIMS**

In the present paper, claims 1 and 12 have been amended and claims 19, 20, 23, 26-28, and 36-38 have been canceled without prejudice to Applicants' right to pursue the cancelled subject matter in one or more related continuation, divisional, or continuation-in-part applications. The amendments to the claims are fully supported by the application as filed and do not present new matter.

Specific support for the amendments to the claims may be found, for example, in claims 1 and 12 as originally filed and in the specification at page 15, lines 17-23. As the amendments to the claims are fully supported by the application as filed, they present no new matter. Entry of the amendments to the claims is therefore respectfully requested pursuant to 37 C.F.R. § 1.111.

### **II. THE REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

Claims 1, 12, 13, 18-21, 23-29, 31, and 36-42 stand rejected as allegedly indefinite under 35 U.S.C. § 112, second paragraph. Applicants kindly thank the PTO for its helpful suggestion of an amendment to address this rejection. Without acquiescing to the propriety of the rejection, Applicants have amended claim 1 as suggested by the PTO. Accordingly, Applicants believe the rejection is moot and respectfully request its withdrawal.

### **III. THE ANTICIPATION REJECTIONS UNDER 35 O.K. § 102**

Claims 1, 12, 13, 18-21, 23-29, 31, and 36-42 stand rejected as allegedly anticipated under 35 O.K. § 102 by *Contra et al.*, *Palmer et al.*, *Beerenwinkel et al.*, and *Paulson et al.* Without acquiescing to the propriety of the rejections, Applicants believe the rejections are moot in view of the amendments to the claims, as the claims no longer recite mutations at codons 32, 43, 46, 54, 71, 82, or 84. Further, none of the cited references teach in any way that any of the codons presently recited by the claims are significantly associated with

amprenavir resistance. Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102.

#### **IV. THE OBVIOUSNESS REJECTION UNDER 35 U.S.C. § 103**

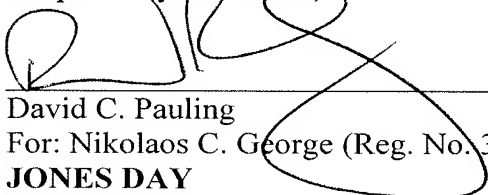
Claims 1, 12, 13, 18-21, 23-29, 31, and 36-42 stand rejected as allegedly obvious under 35 U.S.C. § 103 over Kempf *et al.* Without acquiescing to the propriety of the rejections, Applicants believe the rejections is moot in view of the amendments to the claims, as the claims no longer recite mutations at codon 71 or 43. Further, Kempf *et al.* neither teaches nor suggests that any of the codons presently recited by the claims are significantly associated with amprenavir resistance. Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103.

#### **CONCLUSION**

Pursuant to 37 C.F.R. §1.136 (a)(3), the Commissioner is authorized to charge all required fees, or credit any overpayment, to Jones Day Deposit Account No. 50-3013 (949677-999063).

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Respectfully submitted,

  
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